

JS-44 (Rev. 12/07, NJ 5/08)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

SARA C. WILLIAMS

(b) County of Residence of First Listed Plaintiff

(c) Attorney's (Firm Name, Address, Telephone Number and Email Address)

Craig Thor Kimmel, Esquire
Kimmel & Silverman, P.C.
30 E. Butler Pike
Ambler, PA 19002
(215) 540-8888

DEFENDANTS

NCO FINANCIAL SYSTEMS, INC.

County of Residence of First Listed Defendant

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 193 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395m) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS--Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property					

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 U.S.C. Section 1692
 Fair Debt Collection Practices Act

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:
 JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S)

(See instructions):

JUDGE

DOCKET NUMBER

Explanation:

DATE

SIGNATURE OF ATTORNEY OF RECORD

10-29-10

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 238 French Street, Watertown, CT 06795

Address of Defendant: 507 Prudential Road, Horsham PA 19044

Place of Accident, Incident or Transaction: _____
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes ☐ No ☒

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts

2. ☐ FELA

3. ☐ Jones Act-Personal Injury

4. ☐ Antitrust

5. ☐ Patent

6. ☐ Labor-Management Relations

7. ☐ Civil Rights

8. ☐ Habeas Corpus

9. ☐ Securities Act(s) Cases

10. ☐ Social Security Review Cases

11. ☒ All other Federal Question Cases 15 U.S.C. §1692

(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts

2. ☐ Airplane Personal Injury

3. ☐ Assault, Defamation

4. ☐ Marine Personal Injury

5. ☐ Motor Vehicle Personal Injury

6. ☐ Other Personal Injury (Please specify)

7. ☐ Products Liability

8. ☐ Products Liability — Asbestos

9. ☐ All other Diversity Cases

(Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Craig Thor Kimmel, counsel of record do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE: 10-29-10

Craig Thor Kimmel
Attorney-at-Law

57100

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 10-29-10

Craig Thor Kimmel
Attorney-at-Law

57100

Attorney I.D.#

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Sara C. Williams

CIVIL ACTION

v.

NCO Financial Systems, Inc.

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

<u>10-29-10</u> Date	<u>Craig Ther Kimmel</u> Attorney-at-law	<u>Sara C. Williams</u> Attorney for
<u>215-540-8888</u> Telephone	<u>877-788-3247</u> FAX Number	<u>Kimmel@creditlaw.com</u> E-Mail Address

1 **UNITED STATES DISTRICT COURT**
2 **FOR THE**
3 **EASTERN DISTRICT OF PENNSYLVANIA**

4 SARA C. WILLIAMS,
5 Plaintiff

6 v.

7 NCO FINANCIAL SYSTEMS, INC.,
8 Defendant

Case No.:

**COMPLAINT AND DEMAND FOR
JURY TRIAL**

(Unlawful Debt Collection Practices)

9
10 **COMPLAINT**

11 SARA C. WILLIAMS (“Plaintiff”), by her attorneys, KIMMEL &
12 SILVERMAN, P.C., alleges the following against NCO FINANCIAL SYSTEMS,
13 INC. (“Defendant”):
14
15
16

17 **INTRODUCTION**

18 1. Plaintiff’s Complaint is based on the Fair Debt Collection Practices
19 Act, 15 U.S.C. § 1692 *et seq.* (“FDCPA”).
20
21

22 **JURISDICTION AND VENUE**

23 2. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d),
24 which states that such actions may be brought and heard before “any appropriate
25 United States district court without regard to the amount in controversy,” and 28

1 U.S.C. § 1331 grants this court original jurisdiction of all civil actions arising
2 under the laws of the United States.

3
4 3. Defendant conducts business and has an office in the State of
5 Pennsylvania and therefore, personal jurisdiction is established.

6 4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(1).

7 5. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and
8 2202.
9

10
11 **PARTIES**

12 6. Plaintiff is a natural person residing in Watertown, Connecticut,
13 06795.
14

15 7. Plaintiff is a “consumer” as that term is defined by 15 U.S.C. §
16 1692a(3).
17

18 8. Defendant is a national debt collection company with corporate
19 headquarters located at 507 Prudential Road in Horsham, Pennsylvania, 19044.

20 9. Defendant is a “debt collector” as that term is defined by 15 U.S.C. §
21 1692a(6), and repeatedly contacted Plaintiff in an attempt to collect a debt.
22

23 10. Defendant acted through its agents, employees, officers, members,
24 directors, heirs, successors, assigns, principals, trustees, sureties, subrogees,
25 representatives, and insurers.

PRELIMINARY STATEMENT

11. The Fair Debt Collection Practices Act (“FDCPA”) is a comprehensive statute, which prohibits a catalog of activities in connection with the collection of debts by third parties. See 15 U.S.C. § 1692 *et seq.* The FDCPA imposes civil liability on any person or entity that violates its provisions, and establishes general standards of debt collector conduct, defines abuse, and provides for specific consumer rights. 15 U.S.C. § 1692k. The operative provisions of the FDCPA declare certain rights to be provided to or claimed by debtors, forbid deceitful and misleading practices, prohibit harassing and abusive tactics, and proscribe unfair or unconscionable conduct, both generally and in a specific list of disapproved practices.

12. In particular, the FDCPA broadly enumerates several practices considered contrary to its stated purpose, and forbids debt collectors from taking such action. The substantive heart of the FDCPA lies in three broad prohibitions. First, a “debt collector may not engage in any conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt.” 15 U.S.C. § 1692d. Second, a “debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt.” 15 U.S.C. § 1692e. And third, a “debt collector may not use unfair

1 or unconscionable means to collect or attempt to collect any debt.” 15 U.S.C. §
2 1692f. The FDCPA is designed to protect consumers from unscrupulous
3 collectors, whether or not there exists a valid debt, broadly prohibits unfair or
4 unconscionable collection methods, conduct which harasses, oppresses or abuses
5 any debtor, and any false, deceptive or misleading statements in connection with
6 the collection of a debt.
7

8
9 13. In enacting the FDCPA, the United States Congress found that
10 “[t]here is abundant evidence of the use of abusive, deceptive, and unfair debt
11 collection practices by many debt collectors,” which “contribute to the number of
12 personal bankruptcies, to marital instability, to the loss of jobs, and to invasions of
13 individual privacy.” 15 U.S.C. § 1692a. Congress additionally found existing
14 laws and procedures for redressing debt collection injuries to be inadequate to
15 protect consumers. 15 U.S.C. § 1692b.
16

17
18 14. Congress enacted the FDCPA to regulate the collection of consumer
19 debts by debt collectors. The express purposes of the FDCPA are to “eliminate
20 abusive debt collection practices by debt collectors, to insure that debt collectors
21 who refrain from using abusive debt collection practices are not competitively
22 disadvantaged, and to promote consistent State action to protect consumers against
23 debt collection abuses.” 15 U.S.C. § 1692e.
24
25

FACTUAL ALLEGATIONS

15. At all relevant times, Defendant was attempting to collect an alleged consumer debt from Plaintiff.

16. The alleged debt at issue arose out of transactions, which were primarily for personal, family, or household purposes.

17. Beginning on or around December 2009 and continuing until present, Defendant, its agents, employees, and servants, engaged in debt collection activities seeking payment from Plaintiff.

18. Defendant and its employee identified as "Mathew Schmit", harassed Plaintiff by making continuous calls to her cellular telephone number and work telephone number.

19. Plaintiff received phone calls and voice messages from Defendant on a number of occasions including but not limited to, May 10, 2010 at 2:45p.m. and 8:22p.m. and on May 11, 2010 at 3:21p.m. and 5:53p.m. from the following phone number (800) 218-1175. The undersigned has confirmed that the number belongs to Defendant.

20. Defendant placed repeated calls to Plaintiff's telephone almost every day, causing Plaintiff to receive, at times, more than two (2) collection calls a day and at times, more than four (4) collection calls in a day.

1 21. Defendant placed repeated calls to Plaintiff's telephone almost every
2 day, causing Plaintiff to receive, at times, more than ten (10) collection calls a
3 week and at times, more than twenty (20) collection calls a month.
4

5 22. Defendant has called Plaintiff's parents house looking for her.

6 23. As a result of Defendant's constant and harassing telephone calls,
7 Plaintiff has stopped answering her cellular telephone.
8

9 24. As a result of constant and harassing telephone calls to her place of
10 employment by Defendant, Plaintiff has been forced to redirect calls to her
11 voicemail system.
12

13 25. On May 13, 2010, Plaintiff's Attorney sent a "Letter of
14 Representation" to Defendant, indicating that Plaintiff was represented by counsel
15 and instructing NCO to cease and desist all contact. A true and correct copy of the
16 May 13, 2010 Letter of Representation is attached hereto as Exhibit "A".
17

18 26. Defendant advised Plaintiff's counsel that the representation and
19 cease and desist instruction would be heeded, however on or around October 1,
20 2010, Defendant resumed its campaign of telephone harassment.
21

22 27. Plaintiff's counsel contacted Defendant to inquire about the contact
23 and prior discussions about the case, but received no substantive response.
24

25 28. At no time from the commencement of collection activities in
December, 2009, has Plaintiff received notice of her rights and privileges under

1 the FDCPA, specifically the right to dispute and/or request verification of the debt.

2 29. Upon information and belief, Defendant sought to collect a debt from
3 Plaintiff knowing the alleged debt to be without validity.
4

5 30. Defendant's actions in attempting to collect the alleged debt were
6 harassing, abusive and highly deceptive.

7 31. Defendant's resumption of its telephone harassment campaign in
8 October 2010, was in clear disregard for the provisions of the FDCPA forbidding
9 post-notice contact.
10

11 32. Neither prior to nor after resumption of collection activity, did
12 Defendant ever seek from Plaintiff's counsel any information upon which it could
13 reasonably believe counsel was being non-responsive.
14

15 33. Despite Plaintiff's counsel's inquiries prior to filing suit, Defendant
16 never notified counsel that it intended to resume collection activities in any form.
17

18 34. Plaintiff's counsel never authorized Defendant to contact Plaintiff
19 directly, nor was he asked to do so.
20

21 CONSTRUCTION OF APPLICABLE LAW

22 35. The FDCPA is a strict liability statute. Taylor v. Perrin, Landry,
23 deLaunay & Durand, 103 F.3d 1232 (5th Cir. 1997). "Because the Act imposes
24 strict liability, a consumer need not show intentional conduct by the debt collector
25

1 to be entitled to damages.” Russell v. Equifax A.R.S., 74 F. 3d 30 (2d Cir. 1996);
2 see also Gearing v. Check Brokerage Corp., 233 F.3d 469 (7th Cir. 2000) (holding
3 unintentional misrepresentation of debt collector’s legal status violated FDCPA);
4 Clomon v. Jackson, 988 F. 2d 1314 (2d Cir. 1993).

6 36. The FDCPA is a remedial statute, and therefore must be construed
7 liberally in favor of the debtor. Sprinkle v. SB&C Ltd., 472 F. Supp. 2d 1235
8 (W.D. Wash. 2006). The remedial nature of the FDCPA requires that courts
9 interpret it liberally. Clark v. Capital Credit & Collection Services, Inc., 460 F. 3d
10 1162 (9th Cir. 2006). “Because the FDCPA, like the Truth in Lending Act (TILA)
11 15 U.S.C §1601 *et seq.*, is a remedial statute, it should be construed liberally in
12 favor of the consumer.” Johnson v. Riddle, 305 F. 3d 1107 (10th Cir. 2002).

15 37. The FDCPA is to be interpreted in accordance with the “least
16 sophisticated” consumer standard. See Jeter v. Credit Bureau, Inc., 760 F.2d 1168
17 (11th Cir. 1985); Graziano v. Harrison, 950 F. 2d 107 (3rd Cir. 1991); Swanson v.
18 Southern Oregon Credit Service, Inc., 869 F.2d 1222 (9th Cir. 1988). The FDCPA
19 was not “made for the protection of experts, but for the public - that vast multitude
20 which includes the ignorant, the unthinking, and the credulous, and the fact that a
21 false statement may be obviously false to those who are trained and experienced
22 does not change its character, nor take away its power to deceive others less
23 experienced.” Id. The least sophisticated consumer standard serves a dual
24
25

1 purpose in that it ensures protection of all consumers, even naive and trusting,
2 against deceptive collection practices, and protects collectors against liability for
3 bizarre or idiosyncratic interpretations of collection notices. Clomon, 988 F. 2d at
4 1318.
5

6
7
8 **COUNT I**
9 **DEFENDANT VIOLATED THE**
10 **FAIR DEBT COLLECTION PRACTICES ACT**

11 38. In its actions to collect a disputed debt, Defendant violated the
12 FDCPA in one or more of the following ways:

- 13 a. Defendant violated of the FDCPA generally;
- 14 b. Defendant violated § 1692b(6) and c(2) of the FDCPA by
15 continuing to communicate with a consumer after a letter of
16 representation and cease and desist from Plaintiff's attorney, had
17 been acknowledged as having been received in May, 2010;
- 18 c. Defendant violated § 1692d of the FDCPA by harassing Plaintiff
19 in connection with the collection of an alleged debt;
- 20 d. Defendant violated § 1692d(5) of the FDCPA, when it caused the
21 Plaintiff's telephone to ring repeatedly or continuously with the
22 intent to harass, annoy or abuse Plaintiff;
- 23 e. Defendant violated § 1692f of the FDCPA by using unfair and
24
25

1 unconscionable means with Plaintiff to collect or attempt to collect
2 a debt;

3
4 f. Defendant violated § 1692g of the FDCPA by failing to send
5 written notification, within five (5) days after its initial
6 communication with Plaintiff, advising Plaintiff of her rights to
7 dispute the debt or request verification of the debt;

8
9 g. Defendant acted in an otherwise deceptive, unfair and
10 unconscionable manner and failed to comply with the FDCPA.

11
12 WHEREFORE, Plaintiff, SARA C. WILLIAMS, respectfully pray for a
13 judgment as follows:
14

- 15 a. All actual compensatory damages suffered pursuant to 15 U.S.C. §
16 1692k(a)(1);
17 b. Statutory damages of \$1,000.00 for violation of the FDCPA
18 pursuant to 15 U.S.C. § 1692k(a)(2)(A);
19 c. All reasonable attorneys' fees, witness fees, court costs and
20 other litigation costs incurred by Plaintiff pursuant to 15 U.S.C.
21 § 1693k(a)(3); and
22 d. Any other relief deemed appropriate by this Honorable Court.
- 23
24
25

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, SARA C. WILLIAMS, demands a jury trial in this case.

RESPECTFULLY SUBMITTED,

DATED: 10-29-10

KIMMEL & SILVERMAN, P.C..

By: _____

Craig Thor Kimmel
Attorney ID # 57100
Kimmel & Silverman, P.C.
30 E. Butler Pike
Ambler, PA 19002
Phone: (215) 540-8888
Fax: (215) 540-8817
Email: kimmel@creditlaw.com

CRAIG THOR KIMMEL
ROBERT M. SILVERMAN

Member, PA Bar
Member, NJ Bar
Member, DE Bar
Member, NY Bar
Member, MA Bar
Member, MD Bar
Member, OH Bar
Member, NH Bar
Member, CT Bar
Member, IL Bar



KIMMEL & SILVERMAN
P.C.

www.CREDITLAW.com
(800)-NOT-FAIR

CORPORATE HEADQUARTERS
30 E. Butler Pike, Ambler, PA 19002
Toll Free (800)-668-3247
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JACQUELINE C. HERRITT
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ANGELA K. TROCCOLI
KATE G. SHUMAKER
CHRISTINA GILL ROSEMAN
FRED DAVIS
RICHARD A. SCHOLER

DELAWARE, 501 Silverside Road, Suite 118, Wilmington, DE 19809, (302) 791-9373
NEW ENGLAND, 60 Hartford Pike, P.O. Box 325, Dayville, CT 06241, (860) 866-4380
NEW JERSEY, Executive Quarters, 1930 E. Marlton Pike, Suite Q29, Cherry Hill, NJ 08003, (856) 429-8334
NEW YORK, 1001 Avenue of the Americas, 12th Floor, New York, NY 10018, (212) 719-7543
WESTERN DISTRICT OF NY, 1207 Delaware Avenue, Suite 440, Buffalo, NY 14209, (716) 332-6112
W. PENNSYLVANIA, 210 Grant Street, Suite 202, Pittsburgh, PA 15219, (412) 566-1001
Please reply to CORPORATE HEADQUARTERS

May 13, 2010

VIA E-mail

NCO Financial Systems, Inc.
c/o Shannon Geier, Esq.
Sessions, Fishman, Nathan & Israel
55 West Monroe Street, Suite 1120
Chicago, IL 60603-5130

RE: Williams, Sara v. NCO Financial, Inc.
238 French St., Watertown, CT 06795
SS#, last four: 9885

Dear Ms. Geier:

Please be advised that I represent the above-named individual regarding claims against your company pursuant to the Federal Fair Debt Collection Practices Act, 15 U.S.C. 1692, et seq. and State law. Having been formally notified of representation, I respectfully demand you not contact our client for any reason. Instead, please direct all future contact and correspondence to my attention only. I reserve the right to seek injunctive relief should you fail to honor these directives.

THIS LETTER ALSO SERVES AS NOTICE TO IMMEDIATELY CEASE AND DESIST CONTACTING OUR CLIENT with respect to the collection or attempted collection of any debt, pursuant to the federal Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692b(6) and 1692c(b), et seq. There to be absolutely no calls, letters, or other communications whatsoever by any debt collector. Do not contact our client at home, at work, by cellular phone, by mail or otherwise.

"When Debt Collectors Called you, they never expected you to call us"

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Based upon the information received to date, an FDCPA claim is being prepared and will be filed against your company without further advance notice. You may if desired, contact me to discuss the matter but in any event, do not attempt to communicate with our client directly.

Below are responses to the standard NCO inquiries, which you have requested in first communication.

Responses to Information Request

1. Social Security Number: A: Last four- 9885
2. A description of the alleged wrongdoing, including dates of any conversations, messages left, etc.: A: Receives more than 10 calls per week from NCO collectors. Our client was repeatedly contacted at work even after she asked them not to call her there. Client was threaten with wage garnishment and spoken to harshly and aggressively by NCO collectors.
3. The creditor's name and creditor's account number: A: Chase, account number 4226970310013929.
4. The account name, if different, and NCO account number; A: N/A.
5. The name of any third parties contacted and their phone numbers; A: N/A
6. All client's phone numbers called and any third party numbers called, identified by whose number it is and location of the number (e.g. home, work or cell, etc.); A: 203-825-6250 work number and 860-318-1876 cell number.
7. A copy of any and all letters or and/or recordings. A: N/A at this time.

Sincerely,

/s/ Craig Thor Kimmel

Craig Thor Kimmel
Kimmel & Silverman, P.C.